

COPY

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

State of Illinois, Department of Transportation

vs.

Toledo, Peoria and Western Railway Co. and City of Watseka

Petition (1) to install a pre-signal on the northbound approach of IL 1 of the at-grade crossing of the Toledo, Peoria & Western Railway Company (TP&W) single main line track, (2) to interconnect the newly installed traffic signals at the intersection of IL 1 and U.S. 24 with the railroad warning devices at the IL 1 at-grade crossing of the TP&W single main line track, (3) to establish the amount of minimum preemption time provided by TP&W to the Department for the traffic signal preemption sequence at said intersection and (4) to install gates at the at-grade crossing of the TP&W single main line track, located in Watseka, Illinois.

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Illinois Commerce Commission
RAIL SAFETY SECTION

T00-0082

PETITION FOR FOURTH SUPPLEMENTAL ORDER

Comes now the Toledo, Peoria and Western Railway Company (TP&W) and petitions the Illinois Commerce Commission (Commission) for a Supplemental Order regarding the cost division ordered in the above cause of action and in support of said petition states:

- 1) On November 21, 2000, the Illinois Commerce Commission entered an Order regarding the above described subject matter.
- 2) Pursuant to the November 21, 2000 Order, the cost division was stated to be: Illinois Department of Transportation (Department)— 100% (not to exceed \$125,000); and TP&W – remainder.
- 3) Following the issuance of the Order, TP&W, through its signal contractor, Railroad Controls Limited, prepared detailed plans and estimate for the grade crossing warning system improvements set forth in the Order. Plans and estimate were originally submitted to the Commission on March 29, 2001 that called for installation of two new gate assemblies and constant warning control circuitry with traffic signal preemption as set forth in the Order. The total estimate was \$147,966.06. Prior to this time, TP&W had not submitted an estimate for the proposed work or agreed to any cost estimate of \$125,000.
- 4) After receiving approval of the plans and Form 3 petition by X-Resolution on April 23, 2001, and after construction of the warning devices had actually begun it was determined that a third gate assembly or a gate length exceeding current recommended practices would be required to properly protect the crossing.
- 5) TP&W, the Department, and the Commission could not reach an agreement on the appropriate placement of the warning devices prior to the completion deadline of November 21, 2001 stipulated in the original Order.
- 6) The Department and TP&W both filed motions for extension of time to complete the installation and by Supplemental Order dated December 5, 2001, the Commission granted an extension until November 21, 2002.

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- 7) In August 2002, a new design was agreed upon and TPW filed a Petition for Supplemental Order requesting that the Department's "not to exceed" amount be increased to \$178,000. The increase was approved by Second Supplemental Order dated October 23, 2002.
- 8) On October 15, 2002, Commission staff and Department staff held an on-site meeting and agreed on yet another design change regarding type and placement of warning devices. These changes were outlined in a Department memo dated October 25, 2002.
- 9) On November 1, 2002, the Department filed a Petition for Third Supplemental Order requesting that the completion deadline be extended until February 21, 2003. By Supplemental Order dated December 11, 2003, the Commission granted the extension.
- 10) On November 12, 2002, TP&W submitted revised plans and Form 3 petition depicting the design changes requested by the Department. The Commission approved the revised plans and Form 3 by X-Resolution dated November 15, 2002.
- 11) TP&W placed the warning devices in-service on November 20, 2002.
- 12) In December 2002, a problem arose with the railroad gate arm getting hung up on the traffic signal mast arm while the gate was ascending and descending during high wind conditions. TP&W's signal contractor, Commission staff, and Department staff investigated the problem and agreed on a solution of installing a low-flex gate arm and making necessary repairs to the damaged gate mechanism.
- 13) As of this date, TP&W's actual cost to complete this project is approximately \$213,000.

Wherefore, TP&W respectfully requests that the Commission amend and supplement its original Order in this matter to increase the Department's "not to exceed" amount specified in Finding (7) to \$213,000.

Respectfully submitted,
Toledo, Peoria & Western Railway

by: 
Michael S. Hains
Superintendent of Engineering

Dated 9-16-04.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petition for Fourth Supplemental Order was served upon:

(See attached Service List)

by depositing a copy of same in a correctly addressed, prepaid envelope and depositing same in the United States Mail in East Peoria, Illinois, on September 16, 2004.


Michael S. Hains
Superintendent of Engineering
Toledo, Peoria & Western Railway

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